



west virginia department of environmental protection

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CLASS D GENERAL PERMIT
RENEWAL

PERMIT NUMBER: SWF-GP-NC-Class D

Issue Date: November 20, 2006

Subject: Noncommercial Construction/
Demolition Solid Waste Facility

Effective Date: November 20, 2006
Expiration Date: November 19, 2011

This is to certify that any entity who agrees to the terms and conditions of this Class D General Permit, who has obtained a Groundwater Protection Plan for a Noncommercial Construction/Demolition Solid Waste Facility, who has satisfied the "Registration to Operate a Noncommercial Class D Solid Waste Facility" requirements; and whom the DEP has accordingly been assigned a registration number; is **hereby granted a one (1) year Registration** issued under this Class D General Permit to construct, operate and/or maintain a "Class D Solid Waste Facility," including access control and drainage structures as indicated in the attached permit documents. This Class D General Permit must be operated as a "Noncommercial Solid Waste Facility." This facility can only be used for the disposal of construction/demolition waste materials as listed in "Attachment A" of the "Application For Registration To Operate A Noncommercial Class D Solid Waste Facility."

Definitions:

A "Class D General Permit" means a solid waste permit, which allows for the disposal of construction/demolition waste at a noncommercial Class D solid waste disposal facility, as authorized by the facility "Registration to Operate a Noncommercial Class D Solid Waste Facility." Provided, that this Class D General Permit does not authorize operation of a facility by persons required by the Secretary to apply for an "individual permit" in accordance with 33CSR1.

"Class D Solid Waste Facility" means any noncommercial solid waste facility for the disposal of only construction/demolition waste in an area no greater than two (2) acres in size and not exceeding the height of the adjoining ground elevation.

"Construction/demolition waste," means waste materials authorized or prohibited by the "Attachment A" to the "Registration to Operate a Noncommercial Class D Solid Waste Facility."

"Noncommercial solid waste facility" (NCSWF) is any approved solid waste facility owned and operated by a person for the sole purpose of disposing of solid wastes created by the that person or such person and other persons on a cost-sharing or non-profit basis. (Misuse of a NCSWF for the purpose of profit is strictly prohibited and may result in fines and/or imprisonment and the registrant's eligibility to participate in the General D permit program).

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions, required practices, maintenance and operational procedures, and other waste management practices utilized to prevent or reduce the pollution of waters of the State or other environmental impacts.

"Individual Permit," for the purposes of this Class D General Permit, is any solid waste permit authorized under 33CSR1 subsection 3.3 other than a Class D.

As provided by the West Virginia Code Chapter 22, Article 15, Section 5, the DEP may deny the issuance of a permit on the basis of information in the application or from other sources including public comment, if the solid waste facility is likely to cause adverse impacts on the environment. The director may also prohibit the installation or establishment of specific types and sizes of solid waste facilities in a specified geographical area of the state based on the above-cited factor and may delete such geographical area from consideration for that type and size solid waste facility.

This permit is subject to the following terms and conditions:

Upon DEP approval, the information submitted in, on and with the facility Application for Registration to Operate a (Noncommercial) Class D Solid Waste Facility is hereby incorporated in this Permit with like effect as if all such information was set forth herein, and other conditions set forth in this permit.

PERMIT CONDITIONS

A. Responsibilities

1. Requirement to Comply

Construction and operations shall be performed in accordance with W. Va. Code Chapter 22, Articles 11, 12 and 15 and rules promulgated thereunder; the approved plans and specifications; the Registration to Operate a Noncommercial Class D Solid Waste Facility, the Groundwater Protection Plan, this permit; any instructions, changes, amendments or modifications; and any Orders issued by the WVDEP.

2. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

3. Right of Inspection

The Secretary of the Department of Environmental Protection or an authorized representative shall have the right to enter the site to conduct monitoring, or inspect any conditions or operations occurring at the site at any reasonable time.

4. Location Standards

The landfill must not be located within the hundred (100) year floodplain, within five hundred (500) feet of a dwelling that is or will be occupied unless written permission is received from the owner of the dwelling, within 300 hundred (300) feet of a river, stream, creek, branch, brook, wetlands, lake or pond or any other areas prohibited by federal, state or local requirements and 33CSR1 Section 3. The facility may not be located within 200 feet of another Class D facility, or other solid waste facility. Additionally, the landfill must not be located on top of the surface of any land where solid waste was disposed of at any time prior to the initial siting of a Class D facility.

5. Size Limitation

The disposal area shall not exceed 2 acres (87,120 Sq. Ft.) in size as identified in the first, or initial, Registration to Operate a Noncommercial Class D Solid Waste Facility Application nor exceed the height of the existing adjacent contour elevation. The proposed site cannot be created in whole or in part by excavating the site or portion thereof.

6. Water Pollution

The permittee must obtain an individual NPDES permit, only if, any activities covered under this general permit leads to pollution of the

surface waters or ground waters of the State as a result of the handling, disposal or discharge from such wastes covered herein. This facility shall not violate water quality standards with any discharge into receiving streams or groundwater in accordance with §§22-11 and 12 and the rules promulgated thereunder, including but not limited to; 46CSR1 and 47CSR58.

7. Acceptable waste

Waste to be disposed at this facility shall be exclusively construction/ demolition waste as defined in Attachment A of the Application for Registration to Operate a Noncommercial Class D Solid Waste Facility.

B. Best Management Practices (BMPs)

1. The permittee shall maintain the facility at all times in good working order and efficiently operate all control structures or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit utilizing BMPs.
2. If, for any reason, the permittee does not comply with, or will be unable to comply with, any terms and conditions of this permit, the permittee shall provide the Department with the following information, in writing, within five (5) business days of such conditions:
 - a) A description of the noncompliance event and its cause;
 - b) The period of noncompliance, including exact dates and times, or the anticipated time period noncompliance is expected to continue or will occur in the future;
 - c) Steps taken, or being taken to reduce or eliminate noncompliance and to prevent recurrence of the noncomplying event.
3. The facility boundary must be clearly marked and maintained utilizing iron pins, stakes, painting on trees or other such forms of identification. Trees and brush within the disposal area must be removed and may be placed in the fill.
4. Topsoil encountered must be removed and stockpiled during the life of the facility and reused as a portion of the required final cover of the fill area only. Excavation for the purpose of creating a disposal cell or to create additional disposal capacity including the digging of pits is an unacceptable practice and is strictly prohibited.
5. Unloading of waste shall be confined to as small an area as practical and conducted in a manner, which facilitates spreading, and compaction in daily lifts of not more than three (3) feet in thickness. *Fine particulate material shall be confined by diking, ditches or other suitable methods as needed to control erosion or sedimentation.*

6. Compaction, grading and cover requirements
 - a) The permittee shall properly compact and grade, to the satisfaction of the Department, the active disposal area regularly. A four (4) inch layer of clean earthen material or alternative cover material approved by the Department must be placed weekly or on top of each six (6) feet vertical height of waste material disposed, which ever comes first.
 - b) Any disposal area which will be dormant (not receiving additional waste for a period of at least sixty days) must be covered with an additional two (2) inches for a total of a six (6) inch layer of clean earthen cover material and temporarily revegetated.
 - c) A two-foot layer of clean earthen material must be placed on top of every twenty (20) feet vertical height of fill including waste and weekly cover. The Department shall be notified not less than 5 days in advance of placing the two feet earthen layer.
7. Blasting or open burning of any construction/demolition waste is prohibited.
8. The solid waste facility shall be located and operated in accordance with all laws, rules or restrictions.
9. The permittee is responsible for the safety of all persons at the facility and shall take appropriate measures to prevent unauthorized entry at all times.
10. This permit may be modified, suspended or revoked during its term in accordance with provisions of WV Code Chapter 22 Article 15 and rules promulgated thereunder.
11. The permittee shall control access to the facility and shall construct barriers if required, to prevent entry for the purpose of waste disposal by unauthorized persons. The permittee is responsible for the removal and/or proper disposal of any waste disposed at the facility by unauthorized persons.
12. The permittee shall install sediment/erosion control structures to prevent adverse water quality impacts.
13. The permittee shall ensure adequate equipment is available to allow for proper compaction and grading, to the satisfaction of the Department, of the disposal area and maintenance of sediment/erosion control structures. If additional equipment needs are required as a result of an inspection, such equipment utilization must be performed within five (5) days thereof unless otherwise agreed to by the Department.
14. The permittee shall use BMPs to control or prevent dust, odor, mud and other nuisances from occurring in the facility or on any roadway.

15. The Secretary may require the permittee to meet additional performance standards or BMPs.
16. The permittee shall provide adequate fire protection at the site.
17. Once the fill, or any portion thereof, has reached the final elevation, the permittee shall place final cover consisting of 24 inches of clean earthen material (measured perpendicular to the slope) over the fill area and shall re-vegetate the area within five (5) days in accordance with the application and the Solid Waste Management Rule (33CSR1). The finished grade shall be no greater than a 3 (horizontal) to 1 (vertical) slope unless otherwise approved by the Department, and shall not allow ponding of surface water. Any settlement or subsidence that occurs after placement of final cover shall be corrected by the permittee to the satisfaction of the Department.
18. The permittee shall notify the DEP's Environmental Enforcement regional office in writing within seven calendar days after placement of final cover, to arrange for a final inspection of the Class D solid waste facility.
19. The permittee shall establish vegetation (perennial) after final cover over all disturbed areas to control run-off, erosion and sedimentation in accordance with 33CSR1 Subdivision 4.5.f.
20. A deed notation must be recorded with the deed on file at the county clerk's office within ninety (90) days after the final inspection that will notify any potential purchaser that the land has been used as a construction/demolition landfill. The deed notation shall include at a minimum:
 - a) A survey plot indicating the specific location and dimensions of the landfill;
 - b) A record of waste disposed including generator, type, estimated quantity in cubic yards and tons and the date the property was used as a landfill.

A copy of the deed notation including all information in items a) and b) must be submitted to the Department.

21. The permittee of the noncommercial Class D solid waste facility shall post an all-weather legible sign at the site which at a minimum, includes the name of the permittee, registration number, effective date, expiration date and authorized person only in at least two inch high letters. This sign shall be all weather, legible and be posted at the entrance(s) throughout the duration of the registration.

The herein described activity is to be established, modified, extended, constructed, installed, operated, and maintained strictly in accordance with the terms and conditions of this permit; the plans and specifications submitted with facility's registration number application form with the plans of maintenance and method of operation submitted with such application(s), and within all applicable existing rules in effect under W. Va. Code Chapter 22 Articles 15, 12 and 11.

Failure to comply with the terms and conditions of this permit shall constitute grounds for enforcement procedures set forth in W. Va. Code Chapter 22 Articles 15, 12 and 11 and any rules and regulations promulgated thereunder.



Lisa A. McClung
Director
Division of Water & Waste Management